

Notice of Allowability	Application No.	Applicant(s)	
	09/926,087	OKAJIMA, ICHIRO	
	Examiner	Art Unit	
	Lisa Hashem	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-9-2006.
2. ☒ The allowed claim(s) is/are 1-9 and 11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. Claims 1-9 and 11 are allowed.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with James Love (Reg. 58,421) on 4-19-2006. Applicant's representative, James Love, agreed to the following changes without prejudice:

In claim 1, line 2,

the phrase "radio stations" has been changed to

--mobile stations--.

In claim 1, line 3,

the phrase "radio stations" has been changed to

--mobile stations--.

In claim 1, line 4,

the phrase "radio station" has been changed to

--mobile station--.

In claim 1, line 7,

the phrase "radio stations" has been changed to

--mobile stations--.

In claim 1, line 8,

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the phrase "radio stations" has been changed to

--mobile stations--.

In claim 1, line 11,

the phrase "radio stations" has been changed to

--mobile stations--.

In claim 1, line 12,

the phrase "radio stations" has been changed to

--mobile stations--.

In claim 1, line 16,

the phrase "radio stations identified by said identifying step from another one of the two radio"

has been changed to

--mobile stations identified by said identifying step from another one of the two mobile--.

In claim 1, line 18,

the phrase "radio stations" has been changed to

--mobile stations--.

In claim 3, line 2,

the phrase "radio stations" has been changed to

--mobile stations--.

In claim 3, line 3,

the phrase "radio stations" has been changed to

--mobile stations--.

In claim 3, line 6,

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the phrase “radio stations to the identified one of the radio stations” has been changed to
--mobile stations to the identified one of the mobile stations--.

In claim 3, line 7,

the phrase “radio stations determines that only said another one of the radio” has been changed to
--mobile stations determines that only said another one of the mobile--.

In claim 4, line 2,

the phrase “radio stations” has been changed to
--mobile stations--.

In claim 4, line 3,

the phrase “radio stations” has been changed to
--mobile stations--.

In claim 4, line 4,

the phrase “radio stations determines that only said another one of the radio stations” has been
changed to
--mobile stations determines that only said another one of the mobile stations--.

In claim 5, line 2,

the phrase “radio stations” has been changed to
--mobile stations--.

In claim 5, line 4,

the phrase “radio stations” has been changed to
--mobile stations--.

In claim 5, line 5,

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the phrase “radio stations” has been changed to

--mobile stations--.

In claim 6, line 1,

the phrase “radio station that communicates with another radio” has been changed to

--mobile station that communicates with another mobile--.

In claim 6, line 12,

the phrase “radio station and said another radio station” has been changed to

--mobile station and said another mobile station--.

In claim 6, line 15,

the phrase “radio station and the other radio station or only one of the radio station” has been changed to

--the mobile station and the other mobile station or only one of the mobile station--.

In claim 6, line 16,

the phrase “radio station, and to identify one of the radio station and the other radio station” has been changed to

--mobile station, and to identify one of the mobile station and the other mobile station--.

In claim 6, line 17,

the phrase “the radio” has been changed to

--the mobile--.

In claim 6, line 18,

the phrase “radio station” has been changed to

--mobile station--.

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In claim 6, line 21,

the phrase “another radio” has been changed to

--another mobile--.

In claim 6, line 23,

the phrase “radio station” has been changed to

--mobile station--.

In claim 6, line 24,

the phrase “radio station” has been changed to

--mobile station--.

In claim 6, line 28,

the phrase “radio station” has been changed to

--mobile station--.

In claim 7, line 1,

the phrase “radio station” has been changed to

--mobile station--.

In claim 7, line 3,

the phrase “radio station” has been changed to

--mobile station--.

In claim 7, line 4,

the phrase “radio station” has been changed to

--mobile station--.

In claim 8, line 1,

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the phrase "radio station" has been changed to

--mobile station--.

In claim 8, line 4,

the phrase "radio station" has been changed to

--mobile station--.

In claim 8, line 5,

the phrase "radio station" has been changed to

--mobile station--.

In claim 9, line 1,

the phrase "radio station" has been changed to

--mobile station--.

In claim 11, line 1,

the phrase "radio station" has been changed to

--mobile station--.

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance: upon close review of the claims, the prior art, and applicant's remarks it appears that the allowance of claims 1-9 and 11 are appropriate.

The transmission of system software of U.S. Patent No. 6,671,509 by Tanaka is functionally equivalent to the claimed transmitting software because a base station performs the claimed limitations of transmitting system software to a mobile station that is not equipped with the software in a second radio communication method. Although, Tanaka teaches a base station

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transmits system software to a mobile station (col. 7, lines 3-61; Fig. 1), Tanaka fails to teach identifying which one of the two radio stations is not equipped with software of a relevant radio communication method, and the software of this radio communication method is transmitted to the identified one of the two radio stations from the other one of the two radio stations.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

7. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or

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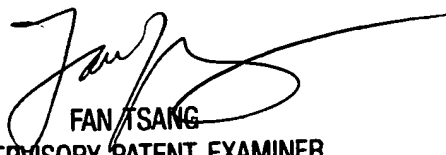
relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

April 20, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600